

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 22ND DAY OF MAY 2015/1ST JYAISHTA, 1937

WP(C).No. 10517 of 2015 (L)

PETITIONER :

**RAJU P.S., S/O. P.G. SAMUEL, AGED 53 YEARS,
POOVANNURIL KUNNATHIL,
VAZHAMUTTOM EAST, MALLASSERY,
ERALIAR KOLLAM DISTRICT,
NOW PATHANAMTHITTA DISTRICT, KERALA.**

BY ADV. SRI.T.K.ANANDA KRISHNAN

RESPONDENT(S):

**1. THE SECRETARY,
MINISTRY OF EXTERNAL AFFAIRS,
SOUTH BLOCK, GOVERNMENT OF INDIA,
NEW DELHI -110 001**

**2. THE REGIONAL PASSPORT OFFICER,
TRIVANDRUM PASSPORT OFFICE,
THIRUVANANTHAPURAM- 695 001**

**R1 & R2 BY ADV. SRI.M.K.PADMANABHAN NAIR, ADDL.CGSC
SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 10517 of 2015 (L)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE RELEVANT PAGES OF THE PASSPORT HEARING
NO.H.7728984 OF THE PETITIONER.**

EXHIBIT P2: TRUE COPY OF THE S.S.L.C BOOK

**EXHIBIT P3: TRUE COPY OF THE CIRCULAR DATED 29.10.2007 ISSUED BY THE 1ST
RESPONDENT.**

RESPONDENT(S)' EXHIBITS AND ANNEXURES:

ANNEX A1 COPY OF THE INDEX CARD OF THE PETITIONER.

/TRUE COPY/

P.A.TO JUDGE

sts

K. VINOD CHANDRAN, J

W.P(C) No. 10517 of 2015

Dated this the 22st day of May, 2015

J U D G M E N T

The petitioner is aggrieved with the non-consideration of an application filed for change of date of birth in his passport. Admittedly, the petitioner had obtained a passport with the date of birth shown as 05.07.1949 instead of 05.07.1962 which is recorded in Ext.P2 School Leaving Certificate. The statement filed on behalf of the respondent would indicate that the petitioner had earlier obtained the passport in 2000 and in 2009 and 2010, the petitioner had applied for renewal of the passport, and he had not requested for any change in the date of birth. The petitioner contends that as per the School Leaving Certificate issued, produced at Ext.P2, petitioner's date of birth is shown as 05.07.1962. The petitioner seeks that the date of birth be corrected in his passport in accordance with Ext.P2 School Leaving Certificate.

2. The claim of the petitioner can only be considered

under a Circular issued by the Ministry of External Affairs numbered as VI/401/2/522001 dated 29.10.2007, which is produced across the Bar by the learned Assistant Solicitor General. The said circular speaks of rectification/correction in date of birth or place of birth in instances where the applicant himself had committed a mistake as also the mistake caused by the Passport Issuing Authorities (PIAs), who issued the passport. In the latter case, the date of birth is corrected in the original passport issued and when the applicant has committed a mistake, the circular requires a procedure to be followed, wherein the applicant is required to surrender the passport with details of original date of birth entered as also authenticating documents with respect to the change necessitated along with an affidavit explaining the circumstances under which such a mistake occurred. Where the mistake is pertaining to less than 2 years, the circular also permits the PIA to make the correction and in excess of 2 years, it is

required that a Court order be obtained by the applicant. It is based on the above circular that the writ petition has been filed seeking an order directing correction of date of birth.

3. It is evident from the statement filed on behalf of the respondent that, the original documents of the passport, which was issued in 2000 is not available with the PIA. The petitioner also has not been able to substantiate as to how the date of birth entered originally in the passport was asserted before the PIA, when the passport was originally applied for and issued. It is also to be noticed that the petitioner had been holding the passport for the last very many years and only now the petitioner thought of correcting the date of birth that too relying on a Certificate, Ext.P2, which issued long back. The School Leaving Certificate though not an authenticated document, which could be relied on by the PIA, to correct the record, there is no explanation as to why the petitioner did not seek for correction in the last 15 years when

he was holding a valid passport and was also using it regularly and frequently. There is no warrant for issue of a mandamus. The passport which was issued to the petitioner 15 years back was also reissued three times, when too, the petitioner did not seek for such a correction in the date of birth.

The writ petition hence would stand dismissed.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge